

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:22-md-03036-RJC**

**IN RE: GARDASIL PRODUCTS LIABILITY  
LITIGATION**

**MDL No. 3036**

**THIS DOCUMENT RELATES TO  
ALL CASES**

**JOINT STIPULATION AND ORDER REGARDING PROPER PARTY DEFENDANTS  
MERCK & CO., INC. AND MERCK SHARP & DOHME LLC**

**I. SCOPE OF THE ORDER**

This Order applies to claims brought by a U.S. citizen or resident based on alleged usage of Gardasil® and/or Gardasil 9® within the United States in which the claimed injury is consistent with the Judicial Panel on Multidistrict Litigation’s August 4, 2022, Transfer Order and that are (i) currently pending in this centralized multidistrict litigation (“MDL No. 3036”) or (ii) will be filed in, removed to, or transferred to this Court.

**II. PROPER PARTY-DEFENDANT STIPULATION**

A. All Plaintiffs in MDL No. 3036 have named Merck & Co., Inc. as a Defendant in their lawsuits involving Gardasil® and/or Gardasil 9®.

B. Some Plaintiffs in MDL No. 3036 have named Merck Sharp & Dohme Corp. (“MSD Corp.”) as a defendant in their lawsuits involving Gardasil® and/or Gardasil 9®.

C. On May 1, 2022, MSD Corp. merged with Merck Sharp & Dohme LLC (“MSD LLC”), with MSD LLC as the surviving entity.

D. Merck & Co., Inc. is the sole member of MSD LLC.

E. Merck & Co., Inc. and MSD LLC are the proper parties in lawsuits involving Gardasil® and/or Gardasil 9® in the United States.

F. MSD LLC will participate in MDL No. 3036 as if it was MSD Corp. and will not object or raise any defenses on the basis of being a third party or that MSD Corp. was the proper party to the lawsuit.

G. Merck & Co., Inc. and MSD LLC agree that Plaintiffs in MDL No. 3036 may use any documents, information, things, and/or testimony produced or provided by MSD Corp. as if MSD Corp. were a named party, including but not limited to use in expert reports and for trial purposes.

H. MSD LLC further agrees it will not rely upon the merger, this Order or the party name change to avoid any final judgment issued in this litigation.

I. Accordingly, the Clerk of Court shall substitute MSD Corp. to MSD LLC in MDL No. 3036 and in any applicable individual case dockets comprising MDL No. 3036.

**SO ORDERED.**

Signed: January 27, 2023



Robert J. Conrad, Jr.  
United States District Judge

